

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

Marcio Costa, et al

CR 19-10190-PBS

Pretrial Order

After a status conference held on 12/5/19, it is hereby ORDERED that:

1. A Motion hearing is set for 3/31/20 at 2:30pm.
2. Trial shall commence on 10/5/20, at 9:00AM.
3. The government shall by _____,¹ disclose to the defendant:
 - (a) The exculpatory information identified in Local Rule 116.2 that has not been previously produced; and
 - (b) A general description (including the approximate date, time, and place) of any crime, wrong, or act the government proposes to offer pursuant to Fed. R. Evid. 404(b).
4. Pursuant to the agreement of the parties, statements (as defined in 18 U.S.C. § 3500(e) and Fed. R. Crim. P. 26.2(f)) of witnesses each party intends to call in its or his case-in-chief shall be produced by _____.

¹This date will ordinarily be 21 days before trial unless the declination procedure provided by L.R. 116.6 has been invoked before the Initial Pretrial Conference. See L.R. 117.1(A)(4). The judge who will preside at trial may, however, establish a date different from any date provided by L.R. 117.1 if the judge determines that there are factors in the particular case that make it in the interests of justice to do so. See L.R. 117.1(B).

[kptrlo.]

5. The parties shall by _____ file any motions in limine with supporting memoranda and a trial brief. **Reply to motions shall be filed on _____.** Any proposed voir dire, jury instructions and trial briefs shall be filed by _____.

6. The government shall file response by _____.²

(a) Provide the defendant with the names and addresses of witnesses the government intends to call at trial in its case-in-chief. If the government subsequently forms an intent to call any other witness, the government shall promptly notify the defendant of the name and address of that prospective witness.

(b) Provide the defendant with copies of the exhibits and a premarked list of exhibits the government intends to offer in its case-in-chief. If the government subsequently decides to offer any additional exhibit in its case-in-chief, the government shall promptly provide the defendant with a copy of the exhibit and a supplemental exhibit list.

7. The defendant shall by _____.³

(a) Provide the government with the names and addresses of the witnesses the defendant intends to call in his case-in-chief. If the defendant subsequently forms an intent to call any other witness in his case-in-chief, he shall promptly notify the government of the name and address of that witness.

(b) Provide the government with copies of the exhibits and a premarked list of the exhibits the defendant intends to offer in his case-in-chief. If the defendant subsequently decides to offer any additional exhibits in his case-in-chief, he shall promptly provide the government with a copy of the exhibit and a supplemental exhibit list.

²Absent an objection, this date will ordinarily be 7 days before trial. See L.R. 117.1(A)(8). However, if either party objects to the pretrial disclosure of its witnesses, the court will decide whether such disclosure should be ordered. Id.

³Absent an objection, this date will ordinarily be 3 days before trial. See L.R. 117.1(A)(9). However, if either party objects to the pretrial disclosure of its witnesses, the court will decide whether such disclosure should be ordered. Id.

8.The parties shall by _____, file a written stipulation of any facts that they agree are not in dispute.

The Final Pretrial Conference will be held on 9/10/20,⁴ at 2:30PM

10. The following period(s) of time are excluded for Speedy Trial Act purposes, pursuant to 18 U.S.C. § 3161(h), for the reasons stated at the Initial Pretrial Conference All time excluded to 10/5/2020

11. _____

**NOTE: IF THE COURT RESCHEDULES THE TRIAL, ALL SUBMISSION DATES IN THIS ORDER
REMAIN IN EFFECT UNLESS COUNSEL FILE A MOTION SEEKING LEAVE OF COURT TO MODIFY
THEM TO SPECIFICALLY DESIGNATED DATES.**

DATE

Patti B. Saris, Chief USDJ

(PRETRIAL ORDER CRIMINAL - COSTA ET AL - DEC 2019wpd.wpd - 7/99)

⁴The Final Pretrial Conference will ordinarily be held not more than 7 days before the trial date.
See L.R. 117.1(A)(11).